IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 454 of 2002

in

SPECIAL CIVIL APPLICATIONNo 6034 of 2001

with

CIVIL APPLICATION No 3205 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

RAJESH RAMANLAL DIXIT

Appearance:

MR KB TRIVEDI, ADDL. AG for Appellants

MR AR LAKHIA for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 16/01/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

A very short issue which comes to the surface in this Letters Patent Appeal, under clause 15 of the Letters Patent, is as to whether Letters Patent Appeal, as such, is maintainable or not ?

Pursuant to the directions contained in the order of the learned single Judge in Special Civil Application No.6034 of 2001 dated 27.7.2001, the petition was permitted to be withdrawn so as to facilitate the petitioner in that petition to make representation in a stipulated time. The representation, eventually, came to be made which, also, came to be decided. Obviously, therefore, there would not arise the question of filing Letters Patent Appeal. The appeal, therefore, in our opinion, is incompetent. The Appeal is, therefore, required to be dismissed. Accordingly, it shall stand dismissed.

In view of the order passed in the Appeal, this Civil Application does not assume any survival value. It shall stand disposed of accordingly.

(J.N.Bhatt, J.)

(Kundan Singh, J.)

(vjn)